

0-0

RE: EMILY LUXEM, RN

License Nos. SD R052096

**AGREED UPON DISPOSITION
FOR ORDER OF REINSTATEMENT
WITH MANDATED
PARTICIPATION IN HEALTH
PROFESSIONALS ASSISTANCE
PROGRAM (HPAP) AND WAIVER OF
HEARING**

0-0

WHEREAS, Emily Luxem ("Licensee"), was licensed to practice as a registered nurse in the State of South Dakota until 2020, when that license was suspended;

WHEREAS, the Board received a request by Licensee for reinstatement of her South Dakota license;

WHEREAS, the Board, pursuant to SDCL § 36-9-57, in its discretion may grant a petition to reinstate Licensee's South Dakota license upon a showing of good cause;

WHEREAS, Licensee made a reinstatement request and presented a letter from the South Dakota Health Professional Assistance Program personnel supporting an Order from the Board reinstating Licensee's license, so long as Licensee continued to successfully participate in the South Dakota Health Professionals Assistance Program and such participation was mandated by the Board;

WHEREAS, Licensee has completed the probation terms of her criminal action and has also obtained an evaluation from Dr. Nordgren supporting Licensee's ability to practice nursing safely; and

WHEREAS, the Board has a statutory obligation to protect the public health, safety and welfare set forth in SDCL § 36-9-1.1, including the protection of the public from unsafe nursing practices and practitioners;

WHEREAS, Licensee and the Board have agreed to resolve the request for reinstatement in the manner set forth in this agreed-upon disposition and waiver of hearing pursuant to SDCL § 36-1C-6;

WHEREAS, it is the intent of this agreement to provide for a resolution of the licensing issues presented by the Licensee's conduct, in a professional manner, without the necessity of further proceedings herein;

WHEREAS, Licensee agrees that her Reinstatement is contingent upon her being mandated into the Health Professionals Assistance Program ("HPAP") with terms and conditions to be determined by HPAP;

WHEREAS, per the Nurse Licensure Compact Regulations, Licensee understands that one mandated into such a program as HPAP is granted a single-state license only;

WHEREAS, Licensee understands that participation in HPAP is mandatory in order to maintain a single-state license in South Dakota. To meet the terms of this agreement, Licensee must be demonstrating active participation in HPAP within five (5) business days of Licensee signing this Agreed upon Disposition; and

WHEREAS, Licensee agrees and understands that any failure to comply with any aspect of the HPAP program and its contract, even noncompliance less than an unsuccessful discharge, will be reported to the Board for further action as deemed appropriate by the Board.

NOW, THEREFORE, it is hereby stipulated and agreed as follows:

1. The Board has jurisdiction over the person of the Licensee and the subject matter of this Order.

2. The Board asserts and the Licensee admits to the facts stated herein.

3. Licensee recognizes that this matter is of a nature that would constitute grounds for denial of her request for reinstatement, if she were not mandated to participate in the Health Professionals Assistance Program.

4. Licensee understands that Licensee has a right to a contested hearing case pursuant to SDCL Ch. 1-26 regarding this matter and that such rights under SDCL Ch. 1-26 include, but are not limited to: a contested case hearing before the Board, to be present at the contested case hearing, to be represented by legal counsel, to introduce evidence and testimony on Licensee's behalf, to call witnesses, to cross-examine witnesses, to inspect all documentary evidence submitted to the Board, and to appeal the Board's decision to the South Dakota Circuit Court and Supreme Court, as provided by law.

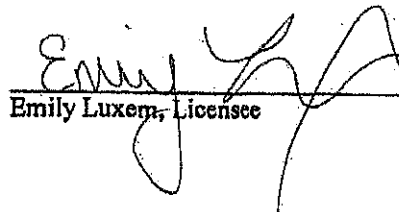
5. By entering into this agreed-upon disposition with the Board, Licensee hereby knowingly and voluntarily waives the above rights and agrees that this matter will be resolved according to the procedures outlined in SDRS § 36-1C-6 by an agreed upon issuance of an Order of Reinstatement with Mandated Participation in Health Professionals Assistance Program (HPAP).

6. Licensee has been given the opportunity to discuss this agreed-upon disposition with an attorney of Licensee's choice and is aware of Licensee's rights as outlined above. Licensee voluntarily waives all such rights to a hearing, notice, appearance, or other rights. Licensee is entering into this agreed-upon disposition voluntarily and without duress or compulsion.

7. If Licensee violates any provision of Licensee's HPAP participation agreement, Licensee understands that the Board will be notified and the Licensee may be subject to discipline and reporting as determined by the Board.

NOW, THEREFORE, the foregoing Agreed Upon Disposition for Order of Reinstatement with Mandated Participation in HPAP and Waiver of Hearing is respectfully submitted to the Board with the request that the Board adopt its terms as an Order of the Board in the above matter.

Dated this 23 day of March, 2022.


Emily Luxem, Licensee

0-0

Licensee.

0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0


Being fully advised in the premises,

IT IS HEREBY ORDERED, by the South Dakota Board of Nursing on the 11th day of May, 2022, by a vote of 9-0:

1. The Board has jurisdiction over the person of the Licensee and the subject matter of this Order.
2. Good cause exists to reinstate Licensee's South Dakota license to practice as a practical nurse in the State of South Dakota so long as Licensee complies with mandated participation in HPAP.
3. The Board hereby mandates Licensee's continued participation in the Health Professionals Assistance Program (HPAP).
4. All terms and conditions, including but not limited to duration of Licensee's participation in HPAP, clearance to return to employment, and any restrictions or requirements shall be set by the HPAP, and Licensee shall fully comply with all of such terms and conditions.
5. Licensee shall pay for all costs and expenses in carrying out the terms and conditions established by HPAP.
6. If the Licensee violates and terms of this reinstatement, the Licensee agrees that the Board may take such action against Licensee's license as the Board deems necessary, up to and including an immediate suspension, revocation, or other disciplinary action.

Dated this 11th day of May, 2022.

SOUTH DAKOTA BOARD OF NURSING


Linda Young, RN, MS, FRE
Executive Director